

Commission Implementing Regulation (EU) No 180/2014 of 20 February 2014 laying down rules for the application of Regulation (EU) No 228/2013 of the European Parliament and of the Council laying down specific measures for agriculture in the outermost regions of the Union

CHAPTER IV

GENERAL AND FINAL PROVISIONS

Article 36

Aid payments

After verifying the aid applications and the relevant supporting documents, and calculating the amounts to be granted under the POSEI programmes referred to in Chapter II of Regulation (EU) No 228/2013, the competent authorities shall pay the aid for a calendar year as follows:

- (a) in the case of the specific supply arrangements, of the measures of import and supply of live animals and of the measures referred to in Article 9 of Delegated Regulation (EU) No 179/2014 throughout the year;
- (b) in the case of direct payments, in accordance with Article 75 of Regulation (EU) No 1306/2013;
- (c) in the case of other payments, during the period beginning on 16 October of the current year and ending on 30 June of the following year.

Article 37

Performance indicators

Every year, Member States shall notify the Commission of at least the data relating to the performance indicators laid down in Annex VIII for each of their outermost regions.

That data shall be notified in the context of the annual implementation report referred to in Article 32(2) of Regulation (EU) No 228/2013.

Article 38

Notifications

1 ^[F1]As regards the specific supply arrangements, the competent authorities shall notify the Commission, no later than 31 May each year, of the following data relating to the operations carried out in the previous year with respect to the supply balance of the reference calendar year, broken down by product and CN code and, where applicable, by individual destination:]

- a the quantities broken down according to whether they are imported from third countries or dispatched from the Union;
- b the amount of aid and the expenditure actually paid by product and, where applicable, by individual destination;

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- c the quantities for which licences and certificates have not been utilised, broken down by category of licence or certificate;
- d any quantities re-exported or re-dispatched under Article 13 and the unit amounts and totals of recovered aid;
- e any quantities re-exported or re-dispatched after processing in accordance with Article 15;
- f transfers within an overall quantity for a category of products and amendments to the forecast supply balances during the period;
- g the available balance and the utilisation rate.

The data provided for in the first subparagraph shall be supplied on the basis of the licences and certificates utilised. ^[F2] The final data referring to the supply balance of each calendar year shall be notified to the Commission by the following 31 May at the latest.]

2 As regards support for local production, the Member States shall notify the Commission:

- a not later than 30 April each year, of the aid applications received and the amounts involved for the previous calendar year;
- b not later than 31 July each year, of the aid applications definitively eligible and the amounts involved for the previous calendar year.

^[F13] The notifications referred to in this Article shall be made in accordance with Delegated Regulation (EU) 2017/1183 and Implementing Regulation (EU) 2017/1185.

4 The notifications referred to in Article 23(3) and 32(1) of Regulation (EU) No 228/2013 shall also be made in accordance with Delegated Regulation (EU) 2017/1183 and Implementing Regulation (EU) 2017/1185.]

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2018/920 of 28 June 2018 amending Implementing Regulation (EU) No 180/2014 as regards certain provisions on checks, notifications and annual reporting and on amendments to the POSEI programmes.
- F2** Deleted by Commission Implementing Regulation (EU) 2018/920 of 28 June 2018 amending Implementing Regulation (EU) No 180/2014 as regards certain provisions on checks, notifications and annual reporting and on amendments to the POSEI programmes.

[F1] Article 39

Annual report

1 The structure and content of the annual report referred to in Article 32(2) of Regulation (EU) No 228/2013 shall be as set out in Annex IX to this Regulation.

2 The report referred to in paragraph 1 shall be submitted to the Commission in accordance with Delegated Regulation (EU) 2017/1183 and Implementing Regulation (EU) 2017/1185.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2018/920 of 28 June 2018 amending Implementing Regulation \(EU\) No 180/2014 as regards certain provisions on checks, notifications and annual reporting and on amendments to the POSEI programmes.](#)

Article 40

Amendments to programmes

[^{F1}1 Amendments made to each POSEI programme shall be submitted by Member States to the Commission once per calendar year and per programme, except in cases of *force majeure* or exceptional circumstances. They shall be sent to the Commission no later than 31 July of the year prior to their application. The amendments shall be duly substantiated, in particular by giving the following information:

- a the reasons for any implementation problems justifying the amendment of the programme;
- b the expected effects of the amendment;
- c the implications for financing and eligibility conditions.

The Commission shall inform the Member State if it considers that the amendments do not comply with Union legislation, in particular with Article 4 of Regulation (EU) No 228/2013, without prejudice to the Articles 51 and 52 of Regulation (EU) No 1306/2013.

The amendments shall apply from 1 January of the year following that in which they were notified. In case an earlier application is deemed necessary, such amendments may apply earlier, unless the Commission objects.

2 By way of derogation from paragraph 1, the Commission shall evaluate separately the following amendments proposed by the Member States and decide on their approval within five months of their submission at the latest in accordance with the procedure referred to in Article 34(2) of Regulation (EU) No 228/2013:

- a the accession of a new outermost region;
- b the introduction into the general programme of new groups of products to be supported under the specific supply arrangements or of new measures to assist the local agricultural production.

The amendments thus approved shall apply from 1 January of the year following that in which the proposal for an amendment was made or as from the date explicitly indicated in the approval decision.]

3 Member States may make the following amendments without recourse to the procedure set out in paragraph 1, provided that the amendments are notified to the Commission:

- a in the case of forecast supply balances, changes in the individual level of aid up to 20 % or changes in the quantities of the products concerned covered by the supply balance and, consequently, the global amount of aid allocated to support each line of products;

[^{F1}b as regards all measures, adjustments up to 20 % of the financial allocation for each individual measure, without prejudice to the financial ceilings provided for in Article 30 of Regulation (EU) No 228/2013, on condition that such adjustments are notified not later than 31 May of the year following the calendar year to which the amended financial allocation refers;]

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- c changes following amendments to codes and descriptions laid down in Council Regulation (EEC) No 2658/87⁽¹⁾ used to identify the products benefiting from aid, as long as those amendments do not entail a change of the products themselves.

4 The amendments referred to in paragraph 3 shall not apply before the date on which they are received by the Commission. They shall be duly explained and justified and may be implemented only once per year except in the following cases:

- a *force majeure* or exceptional circumstances;
- b amendment of the quantities of products covered by the supply arrangements;
- c changes following amendments to codes and descriptions laid down in Regulation (EEC) No 2658/87.

5 For the purposes of this Article the following definitions shall apply:

- [^{F1}a ‘measure’ means the grouping of actions necessary to achieve one or more objectives for the programme constituting a line for which a financial allocation is defined in the financing table referred to in Article 5(a) of Regulation (EU) No 228/2013;]
- b ‘group of products’ means all products sharing the first two digits of the CN code as provided for in Regulation (EEC) No 2658/87.

[^{F16} The notifications referred to in this Article shall be made in accordance with Delegated Regulation (EU) 2017/1183 and Implementing Regulation (EU) 2017/1185.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2018/920 of 28 June 2018 amending Implementing Regulation \(EU\) No 180/2014 as regards certain provisions on checks, notifications and annual reporting and on amendments to the POSEI programmes.](#)

Article 41

Reduction of advances

Without prejudice to the general rules on budgetary discipline, where the information transmitted by the Member States to the Commission under Articles 38 and 39 is incomplete or the time limit for transmitting that information has not been complied with, the Commission may reduce advances on entry in the accounts of agricultural expenditure on a temporary and flat-rate basis.

Article 42

Entry into force

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

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- (1) Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ([OJ L 256, 7.9.1987, p. 1](#)).

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 180/2014, CHAPTER IV.